

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENNIS GARRY WHITTIE,

Plaintiff,

CIVIL ACTION NO. 05-74887

v.

DISTRICT JUDGE MARIANNE O. BATTANI

CITY OF HAMTRAMCK, LOUIS  
H. SCHIMMEL, JAMES DOYLE,  
DONALD CRAWFORD, ROBERT  
CEDAR and SCOTT KLEIN,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendants.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS**

This matter is before the court on Plaintiff's Motion to Compel Discovery and For Sanctions filed March 12, 2007 (D/E 40). A hearing on the motion was held before the magistrate judge on April 18, 2007. For the reasons stated on the record,

IT IS ORDERED that Plaintiff's Motion to Compel and For Sanctions IS GRANTED IN PART AND DENIED IN PART.

The parties agree as follows and as stated on the record:

1. Plaintiff agrees to withdraw the request for further answers to Interrogatory No. 9.
2. Defendant agrees to supplement response to Interrogatory No. 10 within 28 days consistent with the prior stipulation.

3. Plaintiff withdraws its request to supplement document Request I A 19 as it relates to Interrogatory No. 9.

4. Regarding plaintiff's Request to Produce certain personnel files, defendant agrees to provide copies of the employment contracts and plaintiff withdraws the remainder of the requests except as to Brian Misiak.

5. As to personnel files of Brian Misiak, defendant agrees to produce all documents in the file of Misiak and otherwise relating to the existence of or controversy or issue between the City and Union regarding Officer Misiak during the relevant time period. Plaintiff withdraws the remainder of the request.

6. As to the re-deposition of Crawford, plaintiff may redepose for two hours regarding his interpretation of policy but may not be asked about his opinion regarding Doyle's arbitration testimony and may not use or refer to plaintiff's recording of the arbitration proceedings. The deposition is to occur on or before May 31, 2007.

7. Plaintiff's request for sanctions IS DENIED. No costs to either side.

SO ORDERED.

s/Virginia M. Morgan  
Virginia M. Morgan  
United States Magistrate Judge

Dated: April 20, 2007

**PROOF OF SERVICE**

The undersigned certifies that the foregoing order was served upon counsel of record via the Court's ECF System and/or U. S. Mail on April 20, 2007.

s/Jane Johnson  
Case Manager to  
Magistrate Judge Virginia M. Morgan